

Most days for an Administrative Patent Judge working in the Elijah McCoy Patent Office (“the Detroit Satellite Office”) begin with an exhilarating run along the Detroit River front – well, wishful thinking. However, all are welcome to join the lunchtime Detroit Satellite Office group that walks daily along the Detroit River Walk.

The office itself is located within a group of historic buildings surrounding a courtyard repurposed for office and residential use. When the Detroit Satellite Office opened initially in July, 2012, the Administrative Patent Judges maintained offices in borrowed space from the Examining Corps. In July of 2014, the judges moved into our own, separate office suite. Most notable is the public hearing room – we are especially looking forward to conducting hearings in this state-of-the-art facility that seamlessly joins us with our panel colleagues and other hearing participants located in Alexandria or the other satellite locations.

As in private and corporate practice, the work handled by the judges is varied and interesting. My docket includes presently both ex parte appeals and AIA trial proceedings. Both types of cases are reviewed generally by a three judge panel. The Board is organized functionally into sections of judges, regardless of geographic location. As a result, I have the opportunity to interact with many colleagues on a daily basis, notwithstanding any geographical differences. Even though I have not yet met many of the judges I work with “in person”, based on our work together, I feel like we know each other. Using available technology, I can quickly determine if a colleague is available presently for discussion, send instant messages, or even share screens during a discussion.

Despite the obvious differences between ex parte appeals and AIA trial matters, there are many similarities. Each case presents a nascent opportunity to review a different technology, so the subject matter never gets boring. Also, when I am assigned as an authoring judge on a particular matter, I can draw upon the extensive experience and diverse knowledge of the other panel members as necessary. “Brown Bag” lunches, section meetings, and general training sessions are held periodically to facilitate the exchange ideas, share experiences, and stay updated on recent developments in patent law. In reviewing both ex parte appeals and AIA trial proceedings, the legal analysis, including patent eligible subject matter, anticipation, obviousness and indefiniteness, are similar. The primary difference between these two types of matters, however, is the amount of time associated with reaching a final determination. For an ex parte appeal, cases can be resolved in a matter of weeks once the panel begins its review and deliberation; whereas, once an AIA trial is instituted, resolution takes one year from date of institution. In the interim from trial institution to final written decision, the panel handles requests from the parties or disputes between the parties, which require consideration and resolution in a timely manner via conference calls and written orders.

Bottom line, I enjoy coming into the Detroit office, interacting with colleagues here in Detroit as well as the other locations, and most importantly the work itself. An added benefit to working for the PTAB is the avoidance of certain aspects of private practice (e.g., billing, collections, time entry) which

contributed to the length of the day. Working for the PTAB in Detroit, most days conclude with a sense of accomplishment, leaving more personal time for family, friends or an evening run.